

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate
of Bernard L. Madoff,

Plaintiff,

v.

BRANDI HURWITZ, et al.,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04315 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF
ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants Brandi Hurwitz, individually and as beneficiary of Hurwitz Grandchildren Trust #2-B for Brandi Hurwitz, Hurwitz Grandchildren Trust #2-B for Brandi M. Hurwitz, and Allan Hurwitz, in his capacity as Trustee of the Hurwitz Grandchildren Trust #2-B for Brandi M. Hurwitz (collectively, the “Defendants”), (together with the Trustee, the “Parties”), hereby stipulate and agree to the following:

1. On November 26, 2010, the Trustee filed and served the Complaint in which the Defendants and Philip Tierney were named as defendants.
2. On September 19, 2011, the Trustee voluntarily dismissed without prejudice defendant Philip Tierney from this Adversary Proceeding. [Dkt. No. 15.]
3. On April 17, 2014, Defendants filed and served an answer on the Trustee.
4. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release dated November 18, 2016, which was fully-executed on December 14, 2016.
5. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice, without costs to either Trustee or Defendants.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

8. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

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Dated: December 28, 2016
New York, New York

Of Counsel:

BAKER & HOSTETLER LLP

Key Tower
127 Public Square, Suite 2000
Cleveland, Ohio 44114-1214
Telephone: (216) 621-0200
Facsimile: (216) 696-0740
Brett A. Wall
Email: bwall@bakerlaw.com
David F. Proaño
Email: dproano@bakerlaw.com
Darren A. Crook
Email: dcrook@bakerlaw.com
Mark K. Norris
Email: mnorris@bakerlaw.com

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and for the Estate of Bernard L. Madoff*

BRANDI M. HURWITZ

/s/ Brandi M. Hurwitz
Brandi M. Hurwitz, individually and as
beneficiary of Hurwitz Grandchildren Trust
#2-B for Brandi Hurwitz

ALLAN R. HURWITZ

/s/ Allan R. Hurwitz
Allan R. Hurwitz, as Trustee of the Hurwitz
Grandchildren Trust #2-B for Brandi M.
Hurwitz

Dated: December 29, 2016
New York, New York

SO ORDERED

/s/ STUART M. BERNSTEIN
Hon. Stuart M. Bernstein
United States Bankruptcy Judge